

JEFFREY C. METZGER, ESQ. STATE BAR No. 96583
LAW OFFICES OF JEFFREY C. METZGER
A Law Corporation
23041 Mill Creek Drive
Laguna Hills, California 92653
Telephone (949) 454-1196
Facsimile (949) 454-0830
Attorney for Plaintiff, WILLIAM BAKER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

WILLIAM BAKER,

Plaintiff,

vs.

METROPOLITAN LIFE
INSURANCE COMPANY;
ALLSTATE INSURANCE LONG
TERM DISABILITY BENEFITS
PLAN; and DOES 1 thru 10
inclusive,

Defendants.

CASE NO. 2:05-cv-0249-MCE-KJM

STIPULATION AND ORDER
CONTINUING DISPOSITIVE
MOTION CUTOFF DATE

On May 22, 2006, the Court issued an Order, pursuant to the parties' stipulation, continuing the Dispositive Motion Cutoff date in this matter until August 7, 2006.

At Plaintiff's counsel's request, the parties submit a second Stipulation to seek a continuance of the Dispositive Motion Cutoff date until September 11, 2006. The circumstances are that Plaintiff's counsel has scheduled and paid for an out of state trip to see his son perform, and inadvertently failed to realize the conflict and seek the continuance before scheduling the trip and incurring the expenses.

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1 A second reason Plaintiff contends the continuance is warranted is that this Court
2 has not ruled on a Request for Reconsideration filed by Defendant regarding a
3 discovery order issued by magistrate Judge Mueller on February 1, 2006. Defendant
4 has agreed to the continuance as an accommodation to Plaintiff's counsel's scheduling
5 conflict only, and contends the Request for Reconsideration is moot as the Discovery
6 Cutoff date has long since passed. Plaintiff contends that the discovery order was
7 entered prior to the cutoff date.

8 Therefore, the parties stipulate to request the Court to move the Dispositive
9 Motion cutoff date until September 11, 2006 at which time the dispositive motions in
10 this matter will be heard. This requested continuance will not require a continuance of
11 the trial date currently scheduled for December 13, 2006. Also, this requested
12 continuance will not require a continuance of the Pretrial Conference which is currently
13 scheduled for October 23, 2006. However, the parties do also request that the Joint
14 Pretrial Statement be continued from August 7, 2006 until sometime after the
15 dispositive motion hearing date to allow the parties to set forth the statement in
16 conformance with the Court's rulings on the summary judgment motions.

17 IT IS SO STIPULATED.

18 Dated: June 21, 2006

LAW OFFICES OF JEFFREY C. METZGER
A LAW CORPORATION

20 By: /s/ Jeffrey C. Metzger, Esq.
21 JEFFREY C. METZGER, Esq.
22 Attorney for Plaintiff, WILLIAM BAKER

23 Dated: June 21, 2006

SEYFARTH SHAW LLP

25 By: /s/ Alfred L. Sanderson, Jr., Esq.


26 ALFRED L. SANDERSON, JR.,

27 Attorneys for Defendant
28 METROPOLITAN LIFE INSURANCE
COMPANY

~~[PROPOSED]~~ ORDER

IT IS ORDERED that the deadline to hear dispositive motions is continued from August 7, 2006 to September 11, 2006. The Joint Pretrial Statement is due on or before October 2, 2006. All other dates, including the bench trial and pretrial status conference, shall remain the same.

DATED: June 26, 2006



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE